The Cochin Village Panchayat Act Amendment Bill.

Mr. E. Ikkanda Warriar *(Urakam).*—Sir, I move that the Bill to amend the Cochin Village Panchayat Act be read in Council.

Mr. A. Narayana Menon *(Vyttila).*—I second it.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—We accept it.

Mr. E. Ikkanda Warriar *(Urakam).*—The principle of the Bill has been explained by me yesterday and I do not therefore wish to make any statement on that matter now.

Secretary to the Council.—The title of the Bill is 'The Cochin Village Panchayat Act Amendment Bill.'

Mr. E. Ikkanda Warriar *(Urakam).*—I request that the Standing Order may be suspended and that I may be allowed to move for the consideration of the Bill.

Mr. Deputy President.—The Hon'ble Member has the leave of the House to move for the consideration of the Bill.

Mr. E. Ikkanda Warriar *(Urakam).*—I move that the Cochin Village Panchayat Act Amendment Bill be taken up for consideration.

Mr. T. K. Nayar *(Pazhayannur).*—I second it.

Motion put and carried.

Mr. Deputy President.—The motion before the House is that clause 2 stand part of the Bill.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Sir, I beg to move the following amendment: 'Delete sub-section (2) of section 83 mentioned in clause 2 of the Bill and substitute for it the following:—

'(2). Where an application for the execution of a decree has been dismissed or withdrawn, because it was presented after the expiration of three years from the time when the right to make the application first accrued and on the ground that the court had no jurisdiction to execute the decree on account of the proviso to section 27 which was in existence until it was repealed by the Cochin Village Panchayat (Amendment) Act, XLIV of 1112, it may be restored on an application in writing to the court by which it was dismissed or from which it was withdrawn

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provided that the application is made within six months from the date of coming into force of this section.' This is practically identical with clause (2) and it is only to put it in order.

Mr. E. Ikkanda Warriar *(Urakam).*—I accept the amendment.

Mr. C. R. Iyyunni *(Trichur South).*—On a point of information, Sir.

Suppose a decree was passed in a Panchayat Court and they put in an execution petition after six months. Suppose as a matter of fact no application was put in and three years have lapsed.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—That will not come here. That is excluded.

Mr. C. R. Iyyunni *(Trichur South).*—So the maximum period is only three years.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—No, 12 years. I shall explain the idea of the proviso. The proviso was deleted so that as per the Limitation Act, the period of 12 years may be extended to Panchayat Court decrees also. Under the Panchayat Act, as it stood before the deletion of the proviso, no execution petition could be presented successfully after 3 years of the decree. Hon'ble Members must know that if the decree is kept alive any time within the 12 years an execution petition could be presented. On account of that, the proviso was deleted. But that deletion left behind it a difficulty. Some decrees became barred on account of the operation of the proviso. It was only to regularise the execution of these decrees that this amendment is brought forward. I suppose, now it is clear.

Amendment put and carried.

Clause 2 as amended put and carried.

Clause 1 put and carried.

Preamble put and carried.

Mr. E. Ikkanda Warriar *(Urakam).*—Sir, I move that this Bill be taken up and finally passed tomorrow.

Mr. T. K. Nayar *(Pazhayannur).*—I second it.

Motion put and carried.

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APPENDIX IV.

A BILL TO AMEND THE COCHIN VILLAGE PANCHAYAT ACT.

Whereas it is expedient further to amend the Cochin Village Panchayat Act, V of 1089, it is hereby enacted as follows:—

Preamble.

1. (1) This Act may be called the Cochin Village Panchayat Amendment Act of 1113.

(2) It extends to the whole of Cochin and shall come into force at once.

2. Add the following as section 83 of the Cochin Village Panchayat Act, V of 1089.

"83. (1) Decrees passed by the Village Panchayat Courts before the coming into force of Act XLIV of 1112 and remaining unsatisfied may be executed within 12 years of the date of passing of the decree, or any order of Civil Court modifying or confirming it, subject to the provisions of the limitation Act in respect to the execution of decrees.

(2) Where an application for the execution of a decree has been dismissed or withdrawn on the ground that it was presented after the expiration of three years from the date of passing of the decree and that the court had no jurisdiction to execute the decree under the proviso to section 27 of this Act, it may be restored on an application in writing to the court by which it was dismissed or in which it was withdrawn provided that the application is made within six months from the date of coming into force of this section".

B. V. KRISHNANKUTTY MENON,

Secretary to the Council.

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